## IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA MACON DIVISION

MARTIN MCALLISTER,	)
Plaintiff,	
v.	) CIVIL ACTION NO. 5:11-CV-164 (MTT)
DR. FYE, DR. SMITH, DR. FERRELL, and DR. LONG,	) ) )
Defendants.	
	,

## **ORDER**

This matter is before the Court on the Order and Recommendation of United States Magistrate Judge Stephen Hyles. (Doc. 10). The Magistrate Judge recommends dismissing Defendants Smith and Long from this action because the Plaintiff's Amended Complaint fails to state a claim that Defendants Smith and Long were deliberately indifferent to the Plaintiff's medical needs. The Plaintiff did not file an objection to the Recommendation. The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Plaintiff's claims against Defendants Smith and Long are dismissed with prejudice.

SO ORDERED, this 7th day of October, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

<sup>&</sup>lt;sup>1</sup> In the Magistrate Judge's Order and Recommendation, he also ordered that service be made on Defendant Fye and that the Plaintiff's claims against Defendant Ferrell be transferred to the United States District Court for the Southern District of Georgia. This Order addresses only those portions of the Magistrate Judge's Order and Recommendation that constitute his "Recommendation."